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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

ANDREW T. WALKER, ET AL

CIVIL ACTION NO. 09-1727

VERSUS

JUDGE DOHERTY

CHESAPEAKE LOUISIANA, L.P.

MAGISTRATE JUDGE HORNSBY

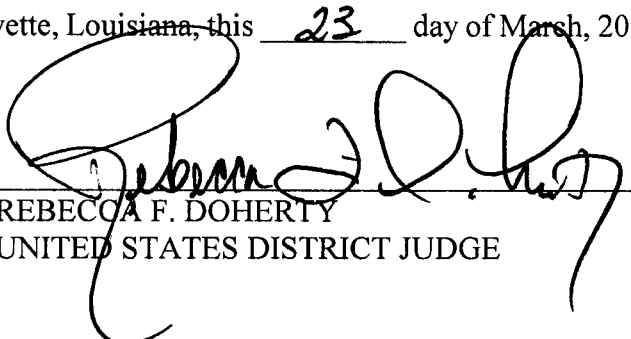
ORDER

For the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein, and having thoroughly reviewed the record, no written objections having been filed, and concurring with the findings of the Magistrate Judge under the applicable law;

IT IS ORDERED that defendant's Motion to Dismiss [Doc. 10] is DENIED.

However, this Court will take no position on whether or not, at this juncture, plaintiffs might or might not have a basis for dissolution. However this court agrees with the Magistrate Judge that plaintiffs pleadings are sufficient to defeat a motion couched under Rule 12(b)(6). Whether plaintiffs can prevail on the merits or after discovery on a motion for summary judgment is a matter this Court takes no position on, in any fashion, should a strained reading of the Magistrate Judge's ruling be argued to the contrary.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 23 day of March, 2010.


REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE